

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**SPECIAL SESSION  
December 22, 2005**

The Board of Supervisors of Maricopa County Arizona convened in Special Session at 2:36 p.m., December 22, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Paul Golab, Deputy County Attorney and Anne Longo, Assistant Chief Counsel. Votes of the Members will be recorded as follows: aye-nay-absent-abstain

**SETTLEMENT AGREEMENT FOR LUCY HALL**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to sign the settlement agreement for the sum of \$12,000 in exchange for Lucy Hall to withdraw the action before the Arizona State Personnel Board and a full release of claims. Pursuant to A.R.S. §42-17106(B), approve the transfer of \$12,000 from Appropriated Fund Balance (480), General Fund (100) Contingency (4811) to a new line item in Appropriated Fund Balance (480), General Fund (100) Other Programs (4812), entitled "Settlement Agreement". The requested action has a net impact of zero on the countywide budget. This item was discussed in Executive Session on December 19, 2005. (C1906024000) (ADM409)

**RECESS TO EXECUTIVE SESSION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the Board recess into Executive Session in the Tom Sullivan Conference Room, 301 W. Jefferson, pursuant to listed statutory authority, to consider the following items.

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(3) and (A)(4)**

**Legal advice regarding implications of not applying for Title X and Title V grants, affect on current contracts and services, and any potential of litigation. (ADM2150)**

Tim Casey, Outside Counsel  
Bruce White, Deputy County Attorney  
Chris Keller, Chief Counsel, MCAO Civil Division  
Dr. Jacquelynn Meeks, Director, Public Health  
Brian Hushek, Deputy Budget Director

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)**

**County Regional School District/Accommodation Schools Funding Issues**

Chris Keller, Chief Counsel, MCAO Civil Division  
Bruce White, Deputy County Attorney  
Brian Hushek, Deputy Budget Director  
Ross Tate, County Auditor  
Dean Wolcott, Outside Counsel

**RECONVENE IN OPEN SESSION**

Chairman Wilson reconvened open session at 4:17 p.m. and thanked those interested parties for waiting while the Board met in Executive Session.

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**CONSIDERATION OF TITLE V AND TITLE X GRANT FUNDS**

Alternative motions regarding Title V and Title X Grant Funds:

- a. Direct the Public Health Department not to submit any additional applications for Title X and Title V grant funds for Fiscal Year 2005-06. Additionally, in accordance with A.R.S. §42-17106(B) allocate General Fund (100) General Government (470) Contingency Funds (4711) of not-to-exceed \$261,729, and transfer at the end of FY 2005-06 to a new line item in General Fund (100) General Government (470) Other Programs (4712) entitled "Women's Health Services and Other Public Health Needs" as approved by the County Manager. This funding will be used to provide general family planning services to men and women with the exception of birth control medications to minors, (ADM2150)
- b. Authorize the Public Health Department to apply for Title V and Title X grant funding. (ADM2150)

Chairman Wilson read the names of those wishing to speak on this matter, Wendy Orm, M.D., Yolanda Thompson, Charlotte Harrison, AZ Family Planning Council, Gail Petersen, Susan Higgins, AZ Public Health Assn. Judy Walruff. Those present who did not wish to speak included Jessica Williams, Christina Trefzger, Center for Arizona Policy, Dr. Denise G. Link, Pat Van Maanen, and J. Austin. All of the above were in favor of continuing applications for Title V and Title X grant funding. The chairman asked speakers to limit their remarks to five-minutes.

Dr. Wendy Orm, Program Director, Phoenix Baptist Hospital Family Medicine Residency Program, said she is very familiar with the Family Planning Clinic's services through her work. She spoke in favor of continuing the grant applications, and said that 4% of the patients served there in 2004 were under the age of 18. She was very familiar with the young patients who go to the clinic for family planning or birth control aid and said, "Most of them are pushing strollers with one or two children already." She spoke of a "patient culture of women who probably do not have much of a say in their reproductive health." Another group of patients who may be under the age of 18 are brought in by their mothers to the clinic to receive health care. She cited another issue at this clinic, the fact that it provides health care to women who are high risk and under-screened. She reported on the number of cervical cancer patients among those she has treated. She said, "Unfortunately we have no statistics (on cervical cancer patients) because those women have no resources for further treatment and are sent away." She said that if federal funding is cut she would like to hear the County's back-up plan to deal with the patient problems these cuts would create. She explained that if funding is cut the main problems would be, 1. Fewer women being screened for cervical cancer, 2. A higher grade and more advanced disease left untreated, 3. Higher rates of Sexually Transmitted Diseases (STD's) going undetected, unreported and untreated, 4. Higher rates of unplanned pregnancy, and 5. An increased need for abortion services. She stated, "There are unmet needs in this community and in this County already." She asked that federal funding for Title V and Title X grants be continued.

Most speakers echoed Dr. Orm's main points. Yolanda Thompson added that as a student at NAU she went to Family Planning for information on women's issues and felt that teenagers need a place to go to speak to professionals on these issues without a parent because many are scared to talk to their parents about such things. She felt the programs need to be continued.

Charlotte Harrison, Executive Director of the Arizona Family Planning Council, part of the funding stream for Title X federal fund distribution, spoke in favor of continuation. She said that a lot of work is done with

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teens on abstinence and delaying sexual contact but the fact is that more than 40% of teens in Arizona have had sex by the time they get out of high school. She said that Arizona's teen pregnancy rate is among the top 5 in the U.S. Most of the teens who come to the clinic have already been sexually active for six months or longer, and most come for pregnancy testing. She said it has been found that when parental consent is required teens don't stop having sex they just stop coming in for help. She explained that the County already has the infrastructure at the new public health facility with experienced staff already in place and it seemed like a waste and an inconvenience to the public to have to change everything to a new place. She added, "I respect the personal beliefs of every person on this Board, but I ask that you remember that you are representing a wide range of constituents, many of whom ... do not agree with discontinuing this program. There is overwhelming evidence that the public supports family planning."

Gail Peterson said she has been active in community health areas since 1991, primarily in a school setting, and is now involved with the Title X Clinic at Grace Lutheran Church. She said she wanted to speak for the teens who came through her practice in the Genesis Academy's Youth At Risk program for five of those years. She has seen many teens whose families had been involved in gang activities for four generations who came to her to change their lives. She said, "The services at the County Health Department are crucial and paramount to help them lead healthy and productive lives." She added that many of these teens were trying to balance school, work and child care. She said she agreed that parents should be involved in decisions regarding their children, "but oftentimes it isn't appropriate for us to engage a parent." She cited a parent that is violent, a parent that is beating the child and a parent who is sexually abusing the child. "Those are the kids that need the (clinic's) services and where will they go when they can't go there?" She added, "Not everybody lives in a family where they can talk to their parents about what their needs are in delicate situations."

Susan Higgins, Executive Director of the Arizona Public Health Association, said that the family planning programs are "the shining star of the public health policy in America." She urged that the federal grant funding be renewed.

Judy Walruf, citizen, supported all that the previous speakers said. She added, "If in fact, you have an extra \$261, 729 to be allocated to these services, I hope that you will sign the contract and also add these dollars. We really do not have sufficient dollars for these programs and additional County monies would certainly make a good deal of difference to the residents of Maricopa County."

Supervisor Stapley thanked those who came to speak on the interesting and compelling legal issues that he felt needed to be considered in this matter. He said, "Based on some of those opinions and some of the information that we received today ... it appears that it would be very difficult to try to parcel out any component of funding (for these services)." He commented on the tough call that it is when considering minors receiving contraceptives without parental consent or knowledge, but affirmed that he understood that many minors do not have parents capable of directing them properly.

Motion was made by Supervisor Stapley that Maricopa County continue with the Title X and Title V grant funding programs for another year under this contract. He commented that the program should be carefully monitored by Dr. Jackie Meeks and staff, and, while keeping within the law, carefully calculate if there is a way to work with a policy directive from this Board to remain federally pure deal with the issues involving minors.

Supervisor Wilcox seconded the motion and commented that she felt it was the responsible thing for the County to do. "More importantly, we are addressing women who are very high risk, a very poor population

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and this is the only access they have to some of the services we provide. We just cannot ignore that. We cannot be discriminatory against people who have no other funds or no other resources." She asked that those in the program work to enhance the counseling component when a minor comes in with no parental supervision.

Supervisor Brock thanked everyone who was taking part "in this very difficult and emotional afternoon. We are in a split decision here." He said that the decision is difficult because it bridges several questions, parental consent and the possibility of public funds being used for things some members are against. He asked, "What do we do with those kids who don't have caring, loving parents that are responsible? Cases where kids can't go to their parents?" He said he had struggled with his conscience in deciding to support continuance of the funding for Titles V and X.

Supervisor Kunasek said, "To just accept the free federal money with the strings attached and do something that I don't think any of us feel comfortable with doing – in stepping between a parent and a child in terms of making healthcare decisions," was not comfortable for him and there was no way in good conscience that he could presume that (anyone) could make those decisions better than the parent. "I can't be a part of that so I'm not going to support pursuit of these federal monies."

Chairman Wilson also mentioned the emotional difficulties connected with this item, saying, "But it's not so difficult that it shouldn't be counted. It's not so difficult that it shouldn't be talked about." He added that in the past the County has had some difficulties with policies that "we fund and have no control over." He said that good government brings controversy before the people for discussion to see if there is a better way to do it, "and that's what we're doing today."

The motion made by Supervisor Stapley and seconded by Supervisor Wilcox carried by a majority vote (3-2), with Supervisors Stapley, Wilcox and Brock voting "aye" and Supervisors Kunasek and Wilson voting "nay," to authorize applications for federal Title V and Title X grant funding for the coming year.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board